

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHARLES SCOTT MOORE,

Petitioner,

v.

//

CIVIL ACTION NO. 1:13CV112
(Judge Keeley)

STATE OF WEST VIRGINIA,
Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 18, 2013, the pro se petitioner, Charles Scott Moore ("Moore"), filed a petition pursuant to 28 U.S.C. § 2254. (Dkt. No. 1). The Court referred this matter to United States Magistrate Judge David J. Joel for initial screening and a report and recommendation in accordance with LR PL P 2. On January 17, 2012, Magistrate Judge Joel issued an Opinion and Report and Recommendation ("R&R"), in which he recommended that Moore's § 2254 petition be denied and dismissed without prejudice. (Dkt. No. 13). The magistrate judge determined that Jones is not entitled to file the instant § 2254 petition because he has not exhausted his state remedies.

The R&R also specifically warned Scott that his failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue. The parties did not file any objections.* Consequently, finding no clear error,

* The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas

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the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 13), **DENIES** the § 2254 petition (dkt. no 1) and **ORDERS** that this case be **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: July 22, 2013.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).